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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/808,433	03/25/2004	Bernard Paillarse	250891US41	6944
22850	7590	12/30/2004	EXAMINER	
OBLON, SPIVAK, MCCLELLAND, MAIER & NEUSTADT, P.C. 1940 DUKE STREET ALEXANDRIA, VA 22314			COHEN, AMY R	
			ART UNIT	PAPER NUMBER
			2859	

DATE MAILED: 12/30/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

10/808,433

Applicant(s)

PAILLARSE ET AL.

Examiner

Amy R Cohen

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-13 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-13 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 25 March 2004 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_.

## DETAILED ACTION

### *Drawings*

1. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(4) because reference character “41” has been used to designate both comparator and tongue. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(4) because reference character “43” has been used to designate both screw threads and counter weight. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The replacement sheet(s) should be labeled “Replacement Sheet” in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

2. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they include the following reference character(s) not mentioned in the description: 37 and 50. Corrected drawing sheets in compliance with 37 CFR 1.121(d), or amendment to the specification to add the reference character(s) in the description in compliance with 37 CFR 1.121(b) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The replacement sheet(s) should be labeled “Replacement Sheet” in the page header (as per 37 CFR 1.84(c)) so as not to

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obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

### ***Specification***

#### **Content of Specification**

- (g) Brief Description of the Several Views of the Drawing(s): See MPEP § 608.01(f).  
A reference to and brief description of the drawing(s) as set forth in 37 CFR 1.74.
3. The disclosure is objected to because of the following informalities:  
The Brief Description of the Several Views of the Drawing(s) is missing.  
Appropriate correction is required.

### ***Claim Objections***

4. Claims 2, 13 objected to because of the following informalities:  
Claim 2, lines 3-4 "pair of rests... either side" is awkward phrasing.  
Claim 13 should be in the form of a full sentence.  
Appropriate correction is required.

### ***Claim Rejections - 35 USC § 102***

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

6. Claims 1, 2, 4, 5, 7-9, 12 are rejected under 35 U.S.C. 102(b) as being anticipated by Maag (U. S. Patent No. 4,166,323).

Maag teaches a profile measurement device (Fig. 1), comprising a feeler (11) typified by a manipulation knob (13, 15, 17) connected to the feeler, a support (6), a table (10) with two perpendicular movements (x, y, z, Fig. 1) associating the support to the feeler, and immobilization means (Fig. 1) of the support compared to the profile; a pair of displacement transducers (Col 3, lines 13-37) situated between the mobile portions of the table and measuring displacements according to the perpendicular movements; and means for reading and memory storage of the displacements measured (25, 26, 27).

Maag teaches the measurement device typified in that the immobilization means of the support comprises a pair of rests (ends of slide 10) either side of the feeler and oriented in the same direction as the feeler (Fig. 1).

Maag teaches the measurement device typified in that the immobilization means of the support comprises a base (2).

Maag teaches the measurement device typified in that the support comprises a column (6) and a shank (7), table holder (24), situated at a height adjustable on the column, and one of the two perpendicular movements is vertical (Fig. 1).

Maag teaches the measurement device typified in that it comprises a surface plate (1) on which the base and a part (4) bearing the profile are placed (Fig. 1).

Maag teaches the measurement device typified in that it comprises a mandrel (Fig. 1) on which a part (4) bearing the profile is installed, and bearer of complementary means for the immobilization means for the support.

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Maags teaches the measurement device typified in that it comprises a measurement standard (28) bearer of complementary means for the immobilization means of the support.

Maags teaches the measurement device typified in that it comprises a control (25) for the start and stoppage of the displacement memory storage.

7. Claims 1, 2, 5, 6 are rejected under 35 U.S.C. 102(b) as being anticipated by Schiler (U. S. Patent No. 3,279,079).

Schiler teaches a profile measurement device (Fig. 1), comprising a feeler (50) typified by a manipulation knob (78, 128, 176) connected to the feeler, a support (11), a table (23) with two perpendicular movements (26, 33, Fig. 1) associating the support to the feeler, and immobilization means (Fig. 1) of the support compared to the profile; a pair of displacement transducers (Col 3, lines 32-42, Col 5, lines 61-73) situated between the mobile portions of the table and measuring displacements according to the perpendicular movements; and means for reading and memory storage of the displacements measured (Col 3, lines 32-42, Col 5, lines 61-73, Col 6, line 55-Col 7, line 13, readings on the scales must be produced visually so that the user would be able to record the data and 22, 27).

Schiler teaches the measurement device typified in that the immobilization means of the support comprise a pair of rests (24) either side of the feeler and oriented in the same direction as the feeler (Fig. 1).

Schiler teaches the measurement device typified in that the support comprises a column (30) and a shank (31), table holder (32), situated at a height adjustable on the column, and one of the two perpendicular movements is vertical (33).

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Schiler teaches the measurement device typified in that it comprises a counterweight (41) balancing the knob, the moving parts of the table and the feeler (Fig. 3).

Schiler teaches a profile measurement process of a part involving a portable feeler device according to the following steps: calibration of the device (Col 6, lines 28-43, in the set up, the device would be calibrated in order to ensure accuracy), assembly of the device at a fixed position as compared with the part (Col 6, lines 28-43), manual displacement of the feeler along the profile (Col 6, lines 44-54), automatic correction of measurement errors due to wear or deformation of the feeler, using the results of the calibration (Col 6, lines 62-72).

***Claim Rejections - 35 USC § 103***

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

9. Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over Maag in view of Rocks (U. S. Patent No. 4,450,628).

Maag discloses the measurement device as described above in paragraph 5.

Maag does not disclose the measurement device typified in that the immobilization means of the support comprise a pair of pins.

Rocks discloses a measurement device (10, Figs. 1-4) typified in that the immobilization means of the support comprise a pair of pins (11, 12).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the measurement device of Maag to have a pair of pins, as taught by Rock, in order to ensure that it was properly aligned with a surface perpendicular to the feeler (Rocks, Col 1, lines 30-58).

10. Claim 10 and 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Maag in view of Newton (U. S. Patent No. 4,383,369).

Regarding claim 10: Maag discloses the measurement device as described above in paragraph 5.

Maag does not disclose the measurement device typified in that the feeler comprises an oblique rod, and a return device of the rod between two positions at either end of a U-turn, travel stops of the rod at the two positions, and a holding means of the rod at the two positions.

Newton discloses a measurement device (10) typified in that the feeler (110) comprises an oblique rod (Fig. 1), and a return device (100) of the rod between two positions at either end of a U-turn, travel stops (24, 26, 32) of the rod at the two positions, and a holding means of the rod at the two positions (Fig. 1 and Col 3, line 65-Col 4, line 9).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the measurement device of Maag to have an oblique rod, as taught by Newton, so that the oblique rod would be able to contact surfaces which are not axial or perpendicular to the feeler and so that the rod would have u-turn travel stops to ensure that it was properly aligned with a surface perpendicular to the feeler.

Regarding Claim 11: Maag discloses the measurement device as described above in paragraph 5.

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Maag does not disclose the measurement device typified in that it comprises reference feelers associated with the rests.

Newton discloses a measurement device typified in that it comprises reference feelers (32 and end of 26, Fig. 1) associated with the rests (24, 26).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the measurement device of Maag to have reference feelers, as taught by Newton, in order to ensure that it was properly aligned with a surface perpendicular to the feeler.

### *Conclusion*

11. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The following patents disclose measurement devices Gass et al. (U. S. Patent No. 6,804,896), Nishimura et al. (U. S. Patent No. 6,604,295), Yoshizumi et al. (U. S. Patent No. 5,917,181), Campanile (U. S. Patent No. 5,778,549), Evans et al. (U. S. Patent No. 5,505,003), Badinger (U. S. Patent No. 5,097,423), Ange et al. (U. S. Patent No. 4,307,514), and Pagella et al. (U. S. Patent No. 3,831,283).

12. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Amy R Cohen whose telephone number is (571) 272-2238. The examiner can normally be reached on 8 am - 5 pm, M-F.

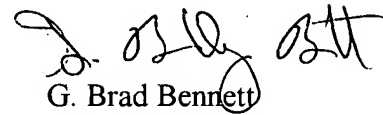
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Diego F. Gutierrez can be reached on (571) 272-2245. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

ARC

December 27, 2004

  
G. Brad Bennett  
Primary Examiner  
Tech Center 2800